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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,755	04/02/2004	Masao Takeshima	0505-1291PUS1	9963

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,755	TAKESHIMA, MASAO	
	Examiner	Art Unit	
	Patricia L Engle	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 13, 14, 21, 23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawasaki (US Patent 4,619,476).

Regarding claims 1, 13, 21 and 24, Kawasaki discloses a structure of a storage section for a saddle-ridden type vehicle (1) comprising: a storage indent (15) indented downwardly from an opening (Fig. 3) provided on an inclined plane portion (12) of a fender (12) that covers a wheel

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(4); and a lid (18) that opens and closes the opening of the storage indent and is swingably provided on the inclined plane portion (12) of the fender.

Regarding claims 2 and 14, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle as disclosed in claim 1, wherein the storage indent is integrally molded with the fender (Fig. 3).

Regarding claims 23 and 26, Kawasaki discloses the structure of a storage section for a saddle-ridden type vehicle according to claim 21, wherein the storage indent is applied to a front fender portion.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki.

Regarding claims 3, 4, 15 and 16, Kawasaki does not disclose the details of the container, however, Fig. 3 shows an indent around the edge of the periphery of the opening. Kawasaki does not disclose a seal on the lid (18). The Examiner takes Official Notice that it is well known to provide a space for a seal around a periphery of an opening and to mount the seal on the lid for the opening. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a seal for the lid of the storage compartment of the saddle-ridden type

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vehicle of Kawasaki. The motivation would have been to allow storage of water and dirt sensitive items in the storage compartment while using the vehicle in the rain or off-road.

Regarding claims 5, 6, 17 and 18, Kawasaki disclose a dividing wall portion along the periphery of the edge of the opening (15e, Fig. 3).

Regarding claims 7 and 19, Kawasaki does not disclose that the storage container could be made of separate pieces. Kawasaki does disclose that the lid is supported on the fender. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the storage indent body a separate from the fender, since it has been held that constructing formerly integral structures in various elements only involves routine skill in the art.

7. Claims 12, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Bettin (US Patent 6,533,339).

Kawasaki discloses the structure of claims 1-7, 13-19, 21 and 24.

Kawasaki do not disclose that the structure is mounted over the left front wheel.

Bettin discloses a storage structure which is formed as part of the fender which is mounted over the left front wheel wherein the opening is directed rearward in the longitudinal direction of the vehicle.

Kawasaki and Bettin are analogous art because they are from a similar problem solving area, i.e., providing storage on saddle-ridden type vehicles.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to mount the storage structure of Kawasaki on a vehicle of Bettin as it would merely involve the alternate utilization of an equivalent storage means to achieve the same exact function.

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Therefore, it would have been obvious to combine Bettin with Kawasaki to obtain the invention as specified in claims 12, 22 and 25.

8. Claims 8-11, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawasaki in view of Lemmen (US Patent 6,062,623).

Kawasaki discloses the structure of a storage section for a saddle ridden type vehicle as disclosed in claims 3, 5 and 15. Kawasaki does not disclose that the lid includes a coupling arm portion (claims 8, 9 and 20) and a spring biasing the lid open (claims 10 and 11). Lemmen discloses a lid for an opening which includes a coupling arm portion (31) extending from the lid and a spring (90) biasing the lid open attached to the swing movement support portion (17) on the vehicle body portion. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a coupling arm portion and a spring bias to the lid mechanism of Kohyama et al. The motivation would have been to allow the lid to be pivoted open and closed on the fender.

Response to Arguments

9. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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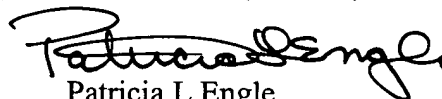
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (517) 272-6660.

The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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May 9, 2005